

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-CV-461-BO

SHANNON CHARLENE JOHNSON,)
)
Plaintiff,)
v.)
)
BRIDGESTONE BANDAG LLC and)
TRENTON “TRENT” BENNETT,)
)
Defendants.)

ORDER

This cause comes before the Court on the memorandum and recommendation of United States Magistrate Judge Robert B. Jones, Jr. allowing plaintiff to proceed without prepayment of fees and recommending that this action be dismissed. [DE 11]. No objections to the memorandum and recommendation have been filed and the time for doing so has expired. For the reasons that follow, the memorandum and recommendation (M&R) is ADOPTED and this action is DISMISSED.

Plaintiff, proceeding *pro se*, instituted this action by filing a motion to proceed *in forma pauperis* and a proposed complaint. In her complaint, plaintiff alleges claims of discriminatory sexual harassment and retaliation by her former employer and Bennett. Magistrate Judge Jones determined that plaintiff had demonstrated that she should not be required to pay the costs of court and granted plaintiff's motion to proceed *in forma pauperis*. However, Magistrate Judge Jones further determined that plaintiff had failed to include facts to support her claims. Plaintiff has previously been advised of this deficiency and has failed to particularize her complaint though given an opportunity to do so. [DE 3].

A district court is required to review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

Here, plaintiff has not filed any objections to any portion of the M&R. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the M&R is ADOPTED. Plaintiff’s complaint is DISMISSED for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B). The clerk is DIRECTED to close the case.

SO ORDERED, this 27 day of November, 2020.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE